FARAD CONTINUATION SHEET.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

CRIMINAL APPLICATION No.1436/07.

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offences have been registered under Sections 302 and 498-A of the Indian Penal Code. The applications made by the applicants/accused before the Sessions Judge were rejected. Therefore, the applicant moved this court for grant of bail.

4. The learned counsel for the applicant/accused submitted that there are inconsistent dying declarations and therefore this is a fit case where bail should be granted to the accused. He submitted that in the first dying declaration it is clearly stated that the deceased had died due to the accidental fall and therefore, it cannot prima facie be said that the accused has committed any offence as such.

5. The learned Additional Public Prosecutor for the State, on the other hand, contended that the other two dying declarations that were recorded certainly implicate the accused persons and at this stage the court cannot go into the question as to which dying declaration should be accepted. It is submitted that there are two dying declarations which implicate the accused persons.

6. I have gone through the dying declarations. Since there are two dying declarations implicating the accused, it has to be said that the accused has been guilty of offence punishable with death or imprisonment

for life. The learned Sessions Judge has rightly rejected the application holding that there is sufficient evidence. I too find that the court cannot go into the question as to which dying declaration should be accepted at this stage, since the dying declarations go to implicate the accused. The application, therefore, deserves to be rejected. The same is rejected.

JUDGE

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